

EXHIBIT

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Declaration of Peter C. Salerno
In Opposition to Plaintiffs' Motion to Compel
Against Yassin Abdullah Kadi

03 MDL 1570

January 2018

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September 1, 2017

By Email

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Re: 03 MDL 1570 (S.D.N.Y.)

Dear Counsel:

We have some questions regarding the status report you filed with the Court yesterday.

1. You state, "While thousands of pages were received, ... many did not indicate to which demand they purported to be responsive." (Letter, pp 8-9). We thought we had provided a cross-reference index for every document we produced, and it was certainly our intention to do so. Could you please identify which documents are deficient in this regard?
2. What are your issues regarding our privilege log? (Letter, p. 9, 10). Your August 31 status report is the first we have heard that you have any concerns regarding it.
3. Could you kindly cite where "Judge Maas agreed that those [interrogatories] should wait for a later time"? (Letter, p. 10). We are unaware that Judge Maas

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ever expressed any view regarding our interrogatories. In any event, this is a later time.

We also have some comments in hopes of clarifying the issues in case you feel it necessary to file a motion to compel:

1. Our general comments in our July 26 letter concerning gaps in Mr. Kadi's production were intended to apply to all gaps, not just gaps relating to Muwafaq. To repeat, we have attempted to produce every non-privileged document in our client's possession, custody, or control that is responsive to *any* of your document requests, including those relating to the persons and entities on your attachments and your second set served in May 2015.
2. The absence of comment in this letter, or any other letter, about any other assertions in your August 31 status report, your July 20 letter, or any other communication from you, should not be taken as agreement with any of those assertions. Those communications, including particularly your August 31 status report and July 20 letter, contain numerous mischaracterizations of the facts and of our positions. We have repeatedly made our positions clear and feel no need to repeat them now.

Very truly yours,



Peter C. Salerno

cc by email:

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